



May 12, 2022

VIA OVERNIGHT MAIL
& EMAIL lisa.cupid@cobbcounty.org
Cobb County Board of Commissioners
C/O Lisa Cupid, Chairwoman
100 Cherokee Street
Marietta, Georgia 30090

VIA OVERNIGHT MAIL
Cobb County Attorney
H. William Rowling, Jr., Esq.
100 Cherokee Street, Suite 350
Marietta, GA 30090

VIA OVERNIGHT MAIL
& EMAIL craig.owens@cobbcounty.org
Cobb County Sheriff's Office
C/O Craig D. Owens Sr., Sheriff
185 Roswell Street, NE
Marietta, GA 30060

VIA OVERNIGHT MAIL
& EMAIL Risk.Management@doas.ga.gov
State of Georgia
Department of Administrative Services
Risk Management Division
200 Piedmont Avenue, S.E.
Suite 1804 West Tower
Atlanta, GA 30334

Re: ANTE LITEM NOTICE AND PRESENTATION OF CLAIM
AGAINST COBB COUNTY, COBB COUNTY SHERIFF'S OFFICE
AND ITS FORMER AND CURRENT OFFICERS, DEPUTIES AND
MEDICAL STAFF

<i>Our Client:</i>	Brady Allen
<i>Matter Number:</i>	ALLE-21-05-01638
<i>Dates of Injury:</i>	May 23, 2021
<i>Case Number:</i>	21-05303

Dear Sirs/Madams:

Please be advised that our law firm represents Scott and Karen Allen, as surviving parents of Brady Allen and the Estate of Brady Allen (hereinafter collectively referred to as the "Estate") against the Cobb County Sheriff's Office, Cobb County Sheriff Craig Owens, Former Cobb County Sheriff Neil Warren, Former and Current Cobb County Sheriff's Officers/Deputies including, but not limited to Lieutenant Beasley and Deputy Ferguson, and Cobb County Sheriff's Office medical staff. Our claims relate to the injuries and death of Brady Allen (D.O.B. 5/4/1980 and SOID #000803302) while an inmate at the Cobb County Adult Detention Center (hereinafter referred to as "CCADC") at 1825 County Services Parkway, SW, Marietta, GA, 30008, from May 22, 2021, through May 23, 2021. You are hereby put on notice of our intent to file a lawsuit based on the following:

3100 Cumberland Blvd., Suite 1470 | Atlanta, Georgia 30339
(770) 693-8202 | inquiries@gardnertrialattorneys.com | gardnertrialattorneys.com



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- A) Mr. Allen died at CCADC on May 23, 2021. The cause of Mr. Allen's death was "sudden death associated with acute methamphetamine intoxication and law enforcement subdual." His death could have been avoided had Cobb County Sheriff Deputies provided Mr. Allen with the necessary medical care he needed and not excessively subdued and deployed an electric device (taser) and launched multiple pepper balls at Mr. Allen causing a premature death. Mr. Allen was experiencing a medical emergency and instead of immediately providing him necessary medical treatment, Cobb County Sheriff Officers unnecessarily and inappropriately subdued and tasered him in violation of his civil rights and Cobb County Sheriff's Office policies and procedures.

On May 22, 2021, Mr. Allen was arrested by Cobb County Police Department and transported for booking to Cobb County Adult Detention Center. On or around 6:01 p.m., Cobb County Sheriff's Office staff completed a preliminary health screening assessment where it indicated Mr. Allen ingested methamphetamine and heroine prior to his detention. It was also known by Cobb County Sheriff's Office that Mr. Allen had a history of drug issues and was arrested for trespass because he was swimming in a pool that did not belong to him.

Based on Cobb County Sheriff's Office arrest/booking report, Mr. Allen was booked on or around 6:51 p.m. and at around 10:48 p.m. placed in a single person cell. While in the single person cell, surveillance videos show Mr. Allen exhibited signs of being restless, lying down, sitting down, pacing the cell floor, pulling most his hair from his head, drinking from the sink faucet, undressing and re-dressing several times, delusional, hallucinating, vocalizing in words and sounds, banging his head and pressing the emergency medical call button several times. Mr. Allen exhibited these behaviors for almost ten hours. Despite being monitored constantly, none of the Cobb County Sheriff Office officers/deputies responded to Mr. Allen's calls of distress or provided him with any medical assistance.

During Intake at CCADC, Mr. Allen communicated to Cobb County Sheriff's Office that he had thoughts of hurting himself in the past. In fact, the inventory of prescription pills obtained from Mr. Allen well documented that he struggled with anxiety and depression. Despite the signs of a possible medical and mental health episode and multiple prescription pills for anxiety and depression, Cobb County Sheriff Deputies never sent Mr. Allen to be evaluated by a medical and/or mental health professional. Cobb County Sheriff Deputies also did not give Mr. Allen any of his necessary prescriptions.

While housed in the single person cell, Mr. Allen was observed responding to unseen stimuli and later attempted to remove a fire detector from the wall of his cell. At around 8:41 a.m. Cobb County Sheriff Deputies entered his cell. Cobb County Sheriff's

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Deputies then forcefully subdued Mr. Allen, tased and pepper balled him, placed him in a prone position on the ground and restrained Mr. Allen using a waist chain with one of his hands secured in a handcuff. Several deputies used their significant body weight and pain compliance measures, including mandibular angle technique and knee strikes, in subduing Mr. Allen. Mr. Allen stated “I can’t breathe” multiple times but deputies continued to improperly subdue him. On or around 8:45 a.m., Mr. Allen was unresponsive, and deputies began CPR. Mr. Allen was then transported to Wellstar Kennestone hospital where he was pronounced dead.

With knowledge of possible drug use prior to detainment, Sheriff Deputies should have never subdued or deployed multiple pepper balls and an electrical device (taser) at Mr. Allen. Due to his apparent medical condition, Mr. Allen should have been under the care of medical and/or mental health professionals. Prior to subduing Mr. Allen and with evidence that he was experiencing a serious mental health and medical emergency that needed immediate treatment, Cobb County Sheriff Deputies should have contacted a medical and/or mental health professional to immediately evaluate and treat Mr. Allen. Upon information and belief Cobb County Sheriff’s Office had a custom and policy of not providing necessary mental health medical attention to detainees and inmates at the CCADC.

An Estate, Survivorship and Wrongful Death Claim will be brought arising out of the death of Brady Allen. The basis for the claim will be violation of State laws including negligence, cruelty to a pretrial detainee, excessive use of force, failure to comply with policy and procedures for use of an electronic device against detainees, violation of Cobb County Sheriff’s Office ministerial duties and policies and procedures related to providing pretrial detainees necessary mental health and medical treatment and observation of detainees, and Federal Claims pursuant to 42 U.S.C. §§ 1983 and 1988 for violations of Mr. Allen’s Eighth and Fourteenth Amendment rights to be free from cruel and unusual punishment and to receive adequate medical care.

- B) The nature of the losses our clients have and/or continue to suffer include, but are not limited to, wrongful death, conscious pain and suffering, survivorship claims, personal physical injury, pain and suffering, mental anguish including the apprehension of imminent death, lost wages, medical related expenses, funeral expenses, punitive damages, cost of litigation, attorneys’ fees plus additional estate and wrongful death claims.
- C) The amount of the loss claimed is fifty million dollars (\$50,000,000.00) and if paid in 30 days a suit will not be brought.

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Please accept this as Scott and Karen Allen's and the Estate's notice of claim and legal ante litem notice pursuant to O.C.G.A. § 36-11.1, et seq and O.C.G.A. § 50-21-26 et. Seq. with regard to all claims against Cobb County, the Cobb County Sheriff's Department, State of Georgia, and Cobb County Sheriff Craig Owens and his officers/deputies. Please review this notice and contact me so that we may determine if this matter can be amicably resolved or if we need to file suit.

Thank you for your time and attention to this matter.

Very truly,

GARDNER TRIAL ATTORNEYS, LLC

A handwritten signature in blue ink, appearing to read "Timothy J. Gardner", with a long horizontal flourish extending to the right.

Timothy J. Gardner

cc: Scott and Karen Allen



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30339
7706938202 105

Ship To

COBB COUNTY BOARD OF COMMISSIONERS, C/O
LISA CUPID, CHAIRWOMAN
100 CHEROKEE STREET, MARIETTA, GA 30090

What

Package 1 - 1Z32E70E0108271891

Weight

1 lbs

Dimensions

UPS Letter

Reference

Numbers

ALLE-21-05-01638

Service Details - UPS Next Day Air

Additional Options

Email Notifications: nn@gardnertrialattorneys.com

Payment

Bill Shipping Charges To: Shipper - 32E70E

Shipping Total

Shipping Fees

UPS Next Day Air	\$34.50
Package 1	
Fuel Surcharge	\$8.97

Transportation Charges: for services listed as guaranteed, refunds apply to transportation charges only. See Terms and Conditions in the Service Guide for details. Certain commodities and high value shipments may require additional transit time for customs clearance.

Subtotals

Shipping Fees	\$43.47
Combined Charges	\$43.47
Contract Rate	\$23.90
Published Charges: \$43.47	
Total (with taxes and discount)	\$0.00

Rate excludes VAT. Rate includes a fuel Surcharge, but excludes taxes, duties and other charges that may apply to the shipment.

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COBB COUNTY ATTORNEY, H. WILLIAM ROWLING,
JR., ESQ.
100 CHEROKEE STREET, SUITE 350, MARIETTA, GA
30090

What

Package 1 - 1Z32E70E0126848547

Weight
1 lbs

Dimensions
UPS Letter

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Numbers
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Ship To
 DEPARTMENT OF ADMIN. SERVICES, RISK
 MANAGEMENT DIVISION
 200 PIEDMONT AVENUE, S.E., ATLANTA, GA 30334

What

Package 1 - 1Z32E70E0126270554

Weight
 1 lbs

Dimensions
 UPS Letter

**Reference
 Numbers**
 ALLE-21-05-01638

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Additional Options

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Payment

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Shipping Total

Shipping Fees

UPS Next Day Air	\$34.50
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 7706938202 105

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 COBB COUNTY SHERIFF, C/O CRAIG D. OWENS SR.,
 SHERIFF
 185 ROSWELL STREET NORTHEAST, MARIETTA, GA
 30060

What

Package 1 - 1Z32E70E0118605501

Weight
 1 lbs

Dimensions
 UPS Letter

**Reference
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 ALLE-21-05-01638

Service Details - UPS Next Day Air

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Bill Shipping Charges To: Shipper - 32E70E

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